

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cv-00273-MR**

TIMOTHY LYDA,)	
)	
Plaintiff,)	
)	
vs.)	
)	<u>ORDER</u>
)	
LOWELL GRIFFIN, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form). [Doc. 2].

Pro se Plaintiff Lowell Griffin ("Plaintiff") filed this action pursuant to 42 U.S.C. § 1983 based on events occurring during his detention at the Henderson County Detention Center in Hendersonville, North Carolina. [Doc. 1]. Plaintiff is no longer detained and seeks to proceed in this action in forma pauperis. [Doc. 2].

Federal courts can allow a litigant to prosecute or defend a civil action without paying the usual required fees if the litigant submits an affidavit containing a statement of the litigant's assets and demonstrating that he

cannot afford to pay the required fees. 28 U.S.C. § 1915(a)(1). An impoverished plaintiff does not have to prove that he is “absolutely destitute to enjoy the benefit of the statute.” Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 339 (1948). The individual seeking to proceed in forma pauperis need only show indigence or poverty sufficient to demonstrate her inability to provide for the necessities of life while paying the costs of litigation. Id. at 339-40. If a court determines at any time that the allegation of poverty made in an in forma pauperis application is “untrue,” then the court “shall dismiss the case.” 28 U.S.C. § 1915(e)(2)(A).

The Plaintiff’s (Short Form) Application lacks the information necessary from which the Court may determine whether Plaintiff qualifies for in forma pauperis status. [See Doc. 2]. Accordingly, the Application will be denied without prejudice to Plaintiff paying the full filing fee or filing an Amended Application to proceed in forma pauperis within 21 days of this Order. Should the Plaintiff choose to file an Amended Application, he should use and **complete in full** the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) (AO 239), which is available through the Court’s website, <http://www.ncwd.uscourts.gov>.

The failure to timely comply with this Order will result in the dismissal of this case without prejudice and without further notice to the Plaintiff.

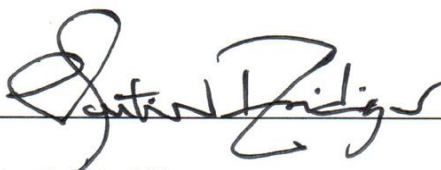
ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2] is **DENIED without prejudice** in accordance with the terms of this Order.

IT IS FURTHER ORDERED that Plaintiff shall have **twenty-one (21) days** from this Order to pay the filing fee or file an Amended Application to proceed in forma pauperis (Long Form, AO 239). If the Plaintiff fails to timely comply with this Order, this action will be dismissed without prejudice and without further notice to Plaintiff.

IT IS SO ORDERED.

Signed: March 10, 2023



Martin Reidinger
Chief United States District Judge

